

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EARTHLINK, INC.,)
)
Plaintiff,)
)
v.) CASE NO. 1 03 CV 2559 JOF
)
)
ALBERT AHDOOT; ALYXSANDRA SACHS;)
NET GLOBAL MARKETING, INC.; ANDY)
POPE; SCOTT MASLOWE; FRED LUSKY;)
NETBENDERS, LLC; ISN, LLC; DAMON)
DECRESCENZO; DAVID BURSTYN;)
PATHING NETWORKS, INC.; HERBAL)
GROUPS, INC.; PAT GALVIN; and JOHN)
DOES 17-50 (THE "ALABAMA)
SPAMMERS"),)
)
Defendants.)

JOINT MOTION TO DISMISS
DEFENDANTS DAMON DECRESCENZO AND DAVID BURSTYN

Plaintiff EarthLink, Inc. ("EarthLink") and Defendants Damon DeCrescenzo ("DeCrescenzo") and David Burstyn ("Burstyn") (collectively with EarthLink, "the Moving Parties") jointly move this Court to dismiss DeCrescenzo and Burstyn and terminate their involvement with this case. The Parties have entered into a settlement agreement that included this Court's entry of an Order of Permanent Injunction against DeCrescenzo and Burstyn.

Accordingly, the Parties hereby move that this Court dismiss DeCrescenzo and Burstyn with prejudice.

Respectfully submitted this 28th day of April, 2005.

WELLBORN & WALLACE, LLC

/s/ Kelly O. Wallace

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RULE 7.1 CERTIFICATE OF
COMPLIANCE WITH LOCAL RULE 5.1

This is to certify that the foregoing Joint Motion to Dismiss was prepared using 12 point Courier New and accordingly complies with Local Rule 5.1. This certificate is given in compliance with Local Rule 7.1(D).

This 28th day of April, 2005.

WELLBORN & WALLACE, LLC

/s/ Kelly O. Wallace

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Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on April 28th, 2005, I electronically filed the foregoing Joint Motion to Dismiss with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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I hereby certify that I have mailed by United States Postal
Service the document to the following non-CM/ECF participants:

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